

EX. 5

ROBERT SEIBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARCY M. BLACK,

Plaintiff,

-vs-

BUFFALO MEAT SERVICE, INC., doing business
as BOULEVARD BLACK ANGUS, also known as
BLACK ANGUS MEATS, also known as
BLACK ANGUS MEATS & SEAFOOD,
ROBERT SEIBERT,
DIANE SEIBERT,
KEEGAN ROBERTS,

Defendants.

Examination Before Trial of
ROBERT SEIBERT, Defendant, taken pursuant to the Federal
Rules of Civil Procedure, in the law offices of GRECO
TRAPP, PLLC, 1700 Rand Building, 14 Lafayette Square,
Buffalo, New York, taken on January 10, 2018, commencing at
9:30 A.M., before ERIN L. COPPING, Notary Public.

1 A. Opened Buffalo Meat Service d/b/a Boulevard Black
2 Angus. That was in the mid '80's.

3 Q. Was that a -- did you create it from scratch,
4 like it was -- strike that. Did you purchase an
5 ongoing business?

6 A. I purchased the equipment out of an ongoing
7 business.

8 Q. Did you purchase their customers also?

9 A. No.

10 Q. And where was the business located that you
11 purchased the equipment from?

12 A. 2519 Niagara Falls Boulevard, Amherst, New York.

13 Q. What was the name of the business?

14 A. I think the name actually -- the d/b/a probably
15 on it was Black Angus Meats or House of Black
16 Angus. It was actually House of Black Angus.

17 Q. Had you worked there?

18 A. Yes.

19 Q. Okay. So before you purchased the equipment, you
20 actually were an employee there?

21 A. I opened the business for House of Black Angus
22 for Clark Service Company at that address.

23 Q. Okay. That's what I was missing. So let's

1 backtrack. You said you worked for Clark Service
2 Company and you were in Allentown, Pennsylvania
3 in the beginning. Did there come a time when you
4 came to Buffalo?

5 A. In '75.

6 Q. Okay. And tell me how it is you came to Buffalo.

7 A. Drove.

8 Q. Was there any business reason for coming to
9 Buffalo?

10 A. My wife. No business reason.

11 Q. Why did you come to Buffalo?

12 A. My wife finished her last year of school at
13 Buffalo General Hospital.

14 Q. And what was your purpose for coming to Buffalo?

15 A. For my wife to finish her last year of school at
16 Buffalo General Hospital.

17 Q. Oh, she came here to finish her last year of
18 school?

19 A. Yes.

20 Q. All right. So it wasn't like she had finished
21 and you were coming, she came here to finish it.
22 And what were you doing work-wise? Were you
23 still employed at Clark Service Company?

1 THE WITNESS: Don't recall their names.

2 BY MS. GRECO:

3 Q. Was there more than one?

4 A. I believe there was two people.

5 Q. Okay. Do you recall their sex?

6 A. Males.

7 Q. All right. Do you recall what job they
8 performed?

9 A. Either cut or wrap meat.

10 Q. Is there anything that would help you recall
11 their names? Do you know an individual by -- did
12 you ever know an individual by the name of Bobby
13 Rivers?

14 A. Yes.

15 Q. Okay. Did you ever work with him?

16 A. He worked for me.

17 Q. Okay. When?

18 A. After I opened the business. I would say it was
19 probably the late '80's -- or, no. It was
20 actually into the '90's that he worked for me.

21 Q. Was your wife working with you at that time?

22 MR. OPPENHEIMER: Form.

23 BY MS. GRECO:

1 Q. If you know?

2 MR. OPPENHEIMER: Form.

3 THE WITNESS: No.

4 BY MS. GRECO:

5 Q. Okay. How about Eddie Davis, do you know an
6 individual by the name of Eddie Davis?

7 A. Worked for me.

8 Q. Do you know when?

9 A. In the early '90's, mid '90's, maybe into the
10 late '90's.

11 Q. Do you know how long he worked for you?

12 A. Long time.

13 Q. What is a long time to you? Can you give me your
14 best approximation? If you can't just say you
15 can't.

16 A. Years.

17 Q. More than one year?

18 MR. OPPENHEIMER: He said years, counsel.

19 BY MS. GRECO:

20 Q. I understand. He said mid '90's.

21 A. Five, six, eight years he worked for me.

22 Q. Okay. How about --

23 A. Maybe ten years.

1 Q. How about Mr. Rivers?

2 MR. OPPENHEIMER: What is the how about?

3 BY MS. GRECO:

4 Q. How long did he work for you?

5 A. Years.

6 Q. You said the late '80's to the mid '90's?

7 A. He was a high school kid, and come to work for me
8 and worked for me for quite some time. It was
9 the period I stated.

10 Q. Okay. What position did Mr. Rivers hold?

11 A. Mr. Rivers?

12 Q. Yes.

13 A. Pretty much meat wrapper.

14 Q. How about Mr. Davis, what position did he hold?

15 A. He took care of all of the cleaning and
16 maintenance of our equipment every evening.

17 Q. Okay. And do you know any individuals by the
18 name of the Goodwin brothers?

19 A. Cut meat for me.

20 Q. Okay. And when was that, as best you recall?

21 Was there two -- more than two brothers or just
22 two?

23 A. Two brothers, both ministers, wonderful

1 employees.

2 Q. When approximately did they work for you?

3 A. Late '80's into the -- I would say maybe the --
4 don't recall exactly, but somewhere in the '90's.
5 They cut meat for me.

6 Q. Okay. Is there anyone else that you can recall
7 that was African-American that worked for you?
8 If you can't, you can't.

9 MR. OPPENHEIMER: Can you give us a date range,
10 counsel?

11 BY MS. GRECO:

12 Q. During up until the time my client left
13 employment with you, which so you know is
14 approximately May of 2010.

15 MR. OPPENHEIMER: Starting when, please?

16 BY MS. GRECO:

17 Q. Starting when you -- started as a manager and the
18 other company owned it, up to then.

19 A. There was another -- an Eric, I don't know his
20 last name, who worked for me.

21 Q. Was that Eric Seneca?

22 A. No. He actually did a little bit of everything
23 for us, worked for us for probably a year.

1 A. Don't recall.

2 Q. Did you individually purchase it or the company
3 purchase it?

4 MR. OPPENHEIMER: Form.

5 THE WITNESS: Individually.

6 BY MS. GRECO:

7 Q. Okay. And you said you formed a new company.

8 You formed a company Buffalo Meat Service d/b/a
9 Black Angus?

10 A. Boulevard Black Angus.

11 Q. Boulevard Black Angus. Okay. When did that
12 company open?

13 A. Mid '80's.

14 Q. And it's still in existence?

15 A. Yes.

16 Q. And who were the owners initially?

17 MR. OPPENHEIMER: Form.

18 THE WITNESS: Diane Seibert, Robert Seibert.

19 BY MS. GRECO:

20 Q. Did there ever come a time when there was a
21 change in that ownership?

22 A. No. Well, most recently the ownership has
23 changed, 2013. Shares of the corporation.

1 Q. Shares of the corporation?

2 A. Were sold.

3 Q. To who?

4 A. Keegan Roberts.

5 Q. And as of that time, what was the ownership
6 interest between the three of you?

7 MR. OPPENHEIMER: Form.

8 THE WITNESS: Two thirds, one third. One third owned
9 by Keegan.

10 BY MS. GRECO:

11 Q. And do you know when in 2013 that occurred?

12 A. Late '12, early '13.

13 Q. And when you first started Boulevard Black Angus,
14 which we'll call it Black Angus Meats for the
15 record for consistency, how many employees did it
16 have?

17 A. When I started it?

18 Q. Yes, when you started it as the owner.

19 A. Four.

20 Q. Were you one of the four?

21 A. Was I an employee?

22 Q. Yes.

23 A. Yes.

1 THE WITNESS: It's the retail meat market.

2 BY MS. GRECO:

3 Q. I understand what you're -- what you're saying.
4 What I'm trying to find out is, if someone -- if
5 your employees are cutting meat, where are they
6 doing that, is that building one?

7 A. Building one.

8 Q. Okay.

9 A. Retail meat you're referring to?

10 MR. OPPENHEIMER: If you don't understand her
11 question, ask that before you answer it.

12 BY MS. GRECO:

13 Q. Any meat that is cut at your business. Do you do
14 meat other than retail meat?

15 A. We process deer.

16 Q. Okay. Is that processed at the same place where
17 the retail meat is processed?

18 A. No.

19 Q. Okay. Where is the deer meat processed?

20 A. Two, three and four.

21 Q. Is the room that you utilize to package your
22 retail meat also utilized to wrap your deer meat?

23 MR. OPPENHEIMER: Form.

1 A. Vacation pay, offered an insurance program, free
2 parking. Could you read back the list?

3 (Whereupon, the above-requested answer was
4 then read back by the reporter.)

5 THE WITNESS: I'm sure there's others, I just don't
6 recall.

7 BY MS. GRECO:

8 Q. Okay. Was there any sick time?

9 A. No.

10 Q. Was there any personal time?

11 A. Don't understand your question.

12 Q. You said there was vacation pay. Was there
13 anything separately identified as personal time?

14 A. No.

15 Q. Was there a pension or profit sharing plan?

16 A. No.

17 Q. Was there health insurance?

18 A. Offered health coverage.

19 Q. During the time my client was employed there?

20 A. Yes.

21 Q. Can you tell me what was offered relative to
22 health insurance?

23 A. Wasn't my department, but as I understand we paid

1 Q. Were you involved in the decision to terminate
2 employees -- strike that. Were you involved in
3 the process relative to the termination of any
4 employees during the time that my client was
5 employed at Black Angus Meat?

6 A. I don't understand your question. Process?
7 Process is a pretty open thing.

8 Q. Did you have any involvement in the decision or
9 decisions relative to terminating any employee
10 during the time my client was employed there?

11 A. Yes.

12 Q. Okay. And what involvement did you have?

13 A. With the decisions of terminating an employee?

14 Q. Um-hum.

15 A. As part owner of the company I had the ability to
16 fire.

17 Q. Were you the ultimate decision maker?

18 MR. OPPENHEIMER: Form.

19 BY MS. GRECO:

20 Q. Do you understand what I mean by that? Strike
21 that. Was there an ultimate decision maker who
22 made the final decision?

23 A. It wasn't any one ultimate decision maker.

1 Q. Okay. Who would be involved in the decision?

2 A. Could be either Diane --

3 Q. This is during the time my client was employed
4 there.

5 A. Keegan or myself, if any one of us felt that an
6 employee needed to be let go, they could do so.

7 Q. So you each had the independent ability to be
8 able to terminate an employee?

9 MR. OPPENHEIMER: Form.

10 BY MS. GRECO:

11 Q. Is that accurate?

12 MR. OPPENHEIMER: Form.

13 THE WITNESS: I would say yes.

14 BY MS. GRECO:

15 Q. Is there a position of driver -- well, strike
16 that. Do you have individuals that drive --
17 strike that. Do you have individuals that make
18 deliveries for your company during the time my
19 client was employed there?

20 A. Yes.

21 Q. Okay. And in order to be an employee who makes
22 deliveries, were there any qualifications that
23 were required during the time my client was

1 employed there?

2 A. Valid driver's license, good knowledge of Western
3 New York, the ability to work long hours, be able
4 to handle fifty to seventy-pound boxes, good
5 customer skills, able to understand the
6 collection of EBT forms, credit card forms or
7 cash, generally to have a key to the building
8 for -- orders that aren't delivered need to be
9 put back in the freezer, so huge trust on the
10 part of the owners and management of their
11 driving skills, trust as to handling money,
12 product, trust to have a key of my building, late
13 night hours. Those are all things that are
14 qualifications to be a driver. It's not a --
15 it's not a job that we hired anybody for.
16 Employees progressed to that job.

17 Q. Do you ever recall advertising in any way for a
18 position of driver?

19 A. No.

20 Q. Do you recall advertising in the newspaper for
21 any position?

22 A. During what time frame?

23 Q. During the time my client was employed there.

1 employees working at Black Angus Meat during the
2 time Darcy Black was employed there with being
3 timely for their work shift?

4 A. Schedules were posted, work the schedule that
5 you're posted. It tells you to show up at nine
6 o'clock in the morning, be at work at nine
7 o'clock in the morning.

8 Q. Were you aware of any employees who were
9 violating that policy during the time that Darcy
10 Black was employed at Black Angus Meat?

11 MR. OPPENHEIMER: Form.

12 THE WITNESS: In the time period that Darcy Black was
13 employed there I would say there's probably been
14 more than one person that showed up late.

15 BY MS. GRECO:

16 Q. Do you recall any employee who regularly showed
17 up late to work during the time Darcy Black was
18 employed there?

19 MR. OPPENHEIMER: Form.

20 THE WITNESS: Explain regularly.

21 BY MS. GRECO:

22 Q. Okay. At least weekly.

23 A. That's regularly?

1 Q. Was Mark Leible such an employee or is he such an
2 employee?

3 MR. OPPENHEIMER: Form. Which question are you
4 asking?

5 BY MS. GRECO:

6 Q. Did Mark Leible have problems with getting to
7 work on time during the time that Darcy Black was
8 an employee at Black Angus Meat?

9 A. I don't recall.

10 Q. Okay. Were you ever aware of Mark Leible coming
11 into work fifteen to twenty minutes late on a
12 regular basis?

13 A. Has been reported to me that that has happened,
14 and what --

15 Q. I'm -- go ahead.

16 A. And what period of time? Don't know.

17 Q. Do you know if that day if Mark Leible was
18 approximately twenty minutes late getting to
19 work?

20 MR. OPPENHEIMER: Form.

21 THE WITNESS: No.

22 BY MS. GRECO:

23 Q. If he was late to work that day could that have

1 statement on it.

2 Q. Which is?

3 A. Which is it wasn't the fact that they were in
4 their cars smoking cigarettes and on their phone
5 at nine-thirty in the morning, it was the pure
6 fact that I got the four letter rant and raving
7 from Taylor Kunzelman that I let him go and it
8 was the situation that was the lack of work that
9 was done. When management wasn't there work just
10 -- it like stopped.

11 Q. Do you know if Mark Leible had taken his
12 fifteen-minute break before you arrived that day?

13 A. No, I don't.

14 Q. Who else was working in the pack room making
15 packs for you -- strike that. Was Darcy Black
16 working on packs that you were going to deliver?

17 A. Yes.

18 Q. Okay. Was Mark Leible working on packs that you
19 were going to deliver?

20 A. Yes.

21 Q. Was Taylor Kunzelman working on packs that you
22 were going to deliver?

23 A. Yes.

1 Q. Was anyone else working on packs you were going
2 to deliver?

3 A. Not that I recall.

4 Q. And you said Darcy Black said something to you
5 after you fired -- I don't want to put words in
6 your mouth. I believe you said after you fired
7 Taylor Kunzelman. Is that true?

8 A. I did have conversation with her, yes.

9 Q. Okay. Can you tell me what was said, to the best
10 of your recollection?

11 MR. OPPENHEIMER: With respect to Kunzelman or with
12 respect to Darcy?

13 MS. GRECO: His conversation with Darcy Black.

14 THE WITNESS: Darcy started to defend Taylor
15 Kunzelman and so on and so forth and letting him
16 go and she had to get her two cents' worth in and
17 I told her at the time that she's following the
18 wrong employee. It wasn't just based upon the
19 lack of work that was getting done that morning,
20 it was the verbal abuse that I took from him and
21 his previously terrible performance in the
22 workplace.

23 BY MS. GRECO:

1 which is probably not more than an hour and a
2 half's work by one employee, and I have three
3 employees there and there only one was order done
4 and a half another one that I believe Mark was
5 working on.

6 Q. Do you know if any other work was done that
7 morning?

8 A. No.

9 Q. What other work normally would have been done in
10 the morning for an employee who started at seven
11 a.m.?

12 MR. OPPENHEIMER: Form.

13 BY MS. GRECO:

14 Q. If you know.

15 A. I don't understand your question.

16 Q. If an employee started at seven a.m., such as
17 Mark Leible and Darcy Black, when they would
18 arrive to work that day what work would there be
19 for them to do other than making four orders to
20 go?

21 A. Pretty much fill those four orders, and then go
22 on, start the Buffalo orders.

23 Q. Okay. Do you know if any Buffalo orders were

1 then read back by the reporter.)

2 THE WITNESS: Did I, is the question?

3 BY MS. GRECO:

4 Q. Yes. Did you?

5 A. Did I, no.

6 Q. Okay. Did you ever tell Darcy Black -- strike
7 that. Did you ever tell Darcy Black in these or
8 similar words, it means these words or words like
9 this, that she would have to get used to the idea
10 that her children were black, there was no
11 changing that, school kids are cruel and racial
12 remarks from kids is not unusual, that was your
13 opinion?

14 A. Did I ever?

15 Q. Yes.

16 A. I made a comment similar to that six months or a
17 year before she left us.

18 Q. Can you tell me about that, please? Where were
19 you when you made the comment?

20 A. I was in the office and which Darcy was in the
21 office on a phone and some kind of phone call
22 from someplace that -- some kind of problem that
23 she had and went on and on and on and she was in

1 her situation that she was emotionally upset.
2 And I don't know if it was a teacher that called
3 her or what it was. It was something regarding
4 her children and where somebody made a comment to
5 her children that wasn't nice and regarding she
6 felt at the time because of her children being
7 black they were being targeted by other children.
8 And she sat in there crying and I just told her
9 that, you know, kids are going to be kids, they
10 are going to be -- you know, make statements like
11 that, you're going to have to learn to deal with
12 it. I mean, that's what kids do, which was
13 somewhere around six months or could have even
14 been a year before. It was whatever kind of --
15 like I said, she had multiple situations that
16 she'd be talking in the office with someone about
17 her children.

18 Q. Do you recall if anyone else was present?

19 A. I believe my wife was.

20 Q. And what is your experience with school children
21 making racial remarks?

22 A. Don't have any experience with it, but I do know
23 that children can be cruel.

1 Q. Did your children make racially offensive
2 remarks?

3 A. No.

4 Q. Did their friends make racially offensive
5 remarks?

6 A. Not that I know of.

7 Q. Did you coach any youth leagues or have any type
8 of position with young people?

9 MR. OPPENHEIMER: Form.

10 BY MS. GRECO:

11 Q. Kids school age?

12 MR. OPPENHEIMER: Form.

13 THE WITNESS: No.

14 BY MS. GRECO:

15 Q. Did you ever instruct anyone to retain job
16 applications at Black Angus Meat after you became
17 the owner?

18 MR. OPPENHEIMER: Form.

19 THE WITNESS: What's the question?

20 (Whereupon, the above-requested question was
21 then read back by the reporter.)

22 THE WITNESS: Yes.

23 BY MS. GRECO:

1 Q. Who and when? I'll start with who.

2 A. Whoever the manager probably was, and I had a
3 few.

4 Q. Okay. And do you know what approximate time
5 frame?

6 A. Approximate time frame?

7 Q. When you instructed them to retain the job
8 applications.

9 A. Don't recall.

10 Q. Was it prior to the time Darcy Black was employed
11 at Black Angus Meat?

12 A. You asked me if I -- since the time that I owned?

13 Q. Yes.

14 A. I have instructed employees to either management
15 or whoever to hang on to job applications.

16 Q. Okay. What I'm asking is, were they doing that
17 prior to the time Darcy Black began working there
18 in May of 2005?

19 A. Yes.

20 Q. Okay. Did you ever state to anyone -- well,
21 strike that. Did you ever state to anyone that
22 it was easy to feel sorry for Darcy Black because
23 she was a single mother with two biracial

1 children trying to find work and provide for her
2 family?

3 A. You're asking me if I made that statement?

4 Q. Yeah.

5 A. I don't recall ever making that statement.

6 Q. Okay. Did you ever speak to Raelean Rush about
7 -- after Darcy stopped employment stop -- that
8 after Darcy stopped employment at Black Angus
9 Meat, did you ever have a conversation with
10 Raelean Rush's mother about Darcy?

11 A. After she left employment?

12 Q. Yes.

13 A. I don't know as though I did.

14 Q. Did you ever have a conversation with Raelean
15 Rush's mother about Darcy Black at any time?

16 THE WITNESS: The question again?

17 (Whereupon, the above-requested question was
18 then read back by the reporter.)

19 THE WITNESS: I think we did discuss Darcy Black.

20 BY MS. GRECO:

21 Q. Okay. Do you know on how many occasions you
22 discussed her?

23 A. No.

1 (Whereupon, the above-requested question was
2 then read back by the reporter.)

3 THE WITNESS: No.

4 BY MS. GRECO:

5 Q. Were any jokes told at Black Angus Meat that you
6 heard?

7 A. During the time period that she's employed?

8 Q. Yes.

9 A. Or since the business was --

10 Q. During the time that she was employed.

11 A. No.

12 Q. Okay. And would it ever be appropriate for a
13 male employee to say to a female employee who is
14 dating an African-American male that she'd be
15 better off with a white guy?

16 A. No.

17 Q. Were you aware of Sean Round ever telling Raelean
18 Rush or Regina Rush, in these words or similar
19 words, that she'd be better off with a white guy?

20 A. No.

21 Q. Would it ever be appropriate for a Caucasian male
22 to tell a Caucasian female who was dating an
23 African-American male that she would be -- she

1 needs to be with one of her own kind?

2 A. Your question again was?

3 Q. Would it be ever appropriate?

4 A. No.

5 Q. Would it ever be appropriate -- were you ever
6 aware of Sean Round telling Raelean Rush and
7 Regina Rush, in these or similar words, that she
8 needs to be with one of her own kind?

9 A. No.

10 Q. Would you agree with me that that -- strike that.
11 Do you believe if such a statement was made that
12 it's discriminatory?

13 A. Yes.

14 Q. Would it ever be appropriate for a Caucasian male
15 at work to tell a Caucasian female who was dating
16 an African-American male, in these or similar
17 words, what is wrong with white guys?

18 A. The question again?

19 Q. Caucasian male telling a Caucasian female dating
20 an African-American male what is wrong with white
21 guys?

22 A. You asked me if I find that offensive?

23 Q. I'll ask you that. Do you find it offensive?

1 A. Yeah.

2 Q. Would it ever be appropriate to be said in the
3 workplace?

4 A. No.

5 Q. Were you ever aware of Sean Round telling Raelean
6 Rush and Regina Rush asking them what's wrong
7 with white guys?

8 A. No.

9 Q. Would it ever be appropriate for a Caucasian male
10 to say to a Caucasian female who is dating an
11 African-American male that her boyfriend was
12 using her for her good credit score?

13 A. The question again?

14 Q. Would that ever be appropriate to be said in the
15 workplace?

16 A. No, that wouldn't be appropriate.

17 Q. Do you find that statement to be an offensive
18 statement?

19 A. Yes.

20 Q. Do you find it to be discriminatory?

21 A. Yes.

22 Q. Were you ever aware of Sean Round telling Raelean
23 Rush and/or Regina Rush, in these or similar

1 words, that her boyfriend was using her for her
2 good credit score?

3 A. Start of the question again was?

4 Q. Were you ever aware of Sean Round telling Raelean
5 Rush and/or Regina Rush, in these or similar
6 words, that her boyfriend was using her for her
7 good credit score?

8 A. No.

9 Q. Okay. Would it ever be appropriate for a
10 Caucasian male to tell a Caucasian female
11 marrying -- I'm sorry. Dating an
12 African-American male that he was using her for
13 her name because black men always cheat and her
14 -- and he probably has a lot of girlfriends?

15 A. Do I find that offensive?

16 Q. Yes.

17 A. Of course.

18 Q. Would it ever be appropriate to be stated in the
19 workplace?

20 A. In the workplace to ever say that?

21 Q. Yes.

22 A. Of course.

23 Q. It would be appropriate or inappropriate?

1 A. Inappropriate.

2 Q. Okay. And would you agree with me that that
3 statement would be discriminatory?

4 A. Yes.

5 Q. Okay. And were you ever aware of Sean Round
6 telling Raelean Rush and/or Regina Rush that
7 African-American boyfriend was using her for her
8 name because Black men always cheat and he
9 probably has a lot of girlfriends?

10 A. Was I aware of that?

11 Q. Yes.

12 A. No.

13 Q. Did anyone ever -- did you ever learn that anyone
14 referred to Darcy Black's children as niggers?

15 A. No.

16 Q. Did anyone ever complain to you that anyone
17 referred to Darcy Black's children as niggers?

18 A. To me personally, no.

19 Q. Yes. Did Darcy Black ever complain to you that a
20 male employee -- a Caucasian male employee
21 referred to her children as niggers?

22 A. No.

23 Q. Would it ever be appropriate to refer to an

1 African-American as a nigg, N-I-G-G?

2 A. No.

3 Q. Okay. Were you ever aware of anyone at Black
4 Angus Meat referring to African-Americans as
5 niggs?

6 A. No.

7 Q. Were you ever aware of anyone at Black Angus Meat
8 referring to African-American clients as Bob's
9 niggs?

10 A. No.

11 Q. Did you ever ask anyone up to this date if they
12 ever referred to African-American customers as
13 Bob's niggs -- Bob's niggs?

14 A. Never asked anyone.

15 Q. Did you ever ask anyone at Black Angus Meat if
16 the term nigger was used at work while Darcy
17 Black was employed there?

18 A. Ask me the question again.

19 MS. GRECO: Can you read it.

20 (Whereupon, the above-requested question was
21 then read back by the reporter.)

22 THE WITNESS: The word was never used there.

23 BY MS. GRECO:

1 and get food stamps?

2 A. Did I ever hear that?

3 Q. Did you ever learn that?

4 A. No.

5 Q. Did you ever learn that Sean Round and/or Jamie
6 Lapress said relative to African-American
7 customers how can they have nice clothes and get
8 food stamps?

9 A. No.

10 Q. Would you -- if that was said would that be
11 inappropriate?

12 A. Yes.

13 Q. The statements that I've gone through with you,
14 the ones that you said were offensive or
15 inappropriate at work, would they be grounds for
16 termination at work if they were said in the
17 workplace by an employee?

18 A. I believe I would, yes.

19 Q. Okay. Did you ever tell anyone that -- this is
20 in the workplace, you can talk about the weather
21 and sports, this is no soap opera, leave your
22 personal dramas at home, in those words or
23 similar words?

1 A. Yes.

2 Q. Okay. And is that something that you've said
3 from the time you began employment -- strike
4 that. Is that something you've began from the
5 time you began to own the business, continuing to
6 the present?

7 A. Yes.

8 Q. And how often would you say that on an annual
9 basis would you say, if you would say it on an
10 annual basis?

11 MR. OPPENHEIMER: Form.

12 THE WITNESS: Certainly on all new hires. And repeat
13 it to employees that maybe got -- didn't get the
14 message when I tried to explain to them that keep
15 their conversation light, sports and weather.
16 I've repeated it, I'm sure told somebody more
17 than once.

18 BY MS. GRECO:

19 Q. Did you ever say it to groups of people?

20 A. I don't know.

21 Q. Okay. With regard to Thomas Howells -- well,
22 strike that. During the time that Darcy Black
23 was employed at Black Angus Meat, did Black Angus

1 Q. Did you ever tell Darcy Black that you were
2 uncomfortable with the situation -- well, did you
3 -- did this ever occur -- strike that. Did Darcy
4 Black say to you that she was uncomfortable
5 working around Jamie because of his comments?

6 A. No.

7 Q. Did you say to her that you were uncomfortable
8 with the situation and she could leave right now?

9 A. No.

10 Q. Would you agree with me if you made that
11 statement that that would be inappropriate as an
12 employer and retaliatory?

13 A. Yes.

14 MR. OPPENHEIMER: Form.

15 BY MS. GRECO:

16 Q. And is it fair to say, sitting here, that what
17 you did or what Keegan Roberts and you did was
18 decide that you liked Jamie Lapress better, is
19 that why? You said Jamie Lapress was a long-time
20 employee. Wasn't Darcy Black?

21 A. I was basing my assumption -- Darcy was a
22 five-year employee we had a lot of time invested
23 in. She was a valuable employee and made a